COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

OFFICER INVOLVED
NON - HIT
SHOOTING EVALUATION

UNIT: Crescenta Valley Station

DATE: 10-02-96

TIME: 0120 Hours

LOCATION: 4400 Blk of Ramsdell Ave.

URN #: 496-05527-0786-057

IAB #: 010810

NATURE OF INCIDENT:

Deputies attempt to contact, suspicious person who flees from deputies. Foot pursuit ensues. Deputy Bush locates the suspect and chases the suspect into La Crescenta High School. Suspect runs toward a locked gate and is ordered by Deputy Bush to stop. Suspect climbs fence and reaches for his waist band. Deputy fearing that the suspect is attempting to arm himself, fires one round in self defense. Suspect stops momentarily and repeats his actions. Deputy again repeats his action and fires another round. Suspect finally jumps the fence and is now pursued by Deputy Forney. Deputy Forney encounters suspect and orders him to a prone position. Suspect complies and suddenly begins reaching for his waistband. Deputy, fearing that the suspect is reaching for a weapon, fires one round. Suspect is subsequently handcuffed by Deputy Bush. All three shots missed the suspect.

COMPLETED BY: Henry Romero, Sergeant **DATE:** 12-02-96

Internal Affairs Bureau

LOS ANGE S COUNTY - SHERIFF'S DE RTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME		
Randall Forney		

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy Generalist	[redacted]	CVS / FOR I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	Caucasian	508	160	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
Injured On Duty	08-06-86

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Yes	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
Yes	No	N/A

DESCRIPTION OF INJURIES
Sprained and bruised right hip. Torn ligaments in right knee.

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? Station

SUPERVISED BY: Watch Sergeant

WEAPON USED

TYPE	AUTHORIZED
Beretta 92F	Yes

AMMUNITION TYPE	AUTHORIZED
9mm	Yes

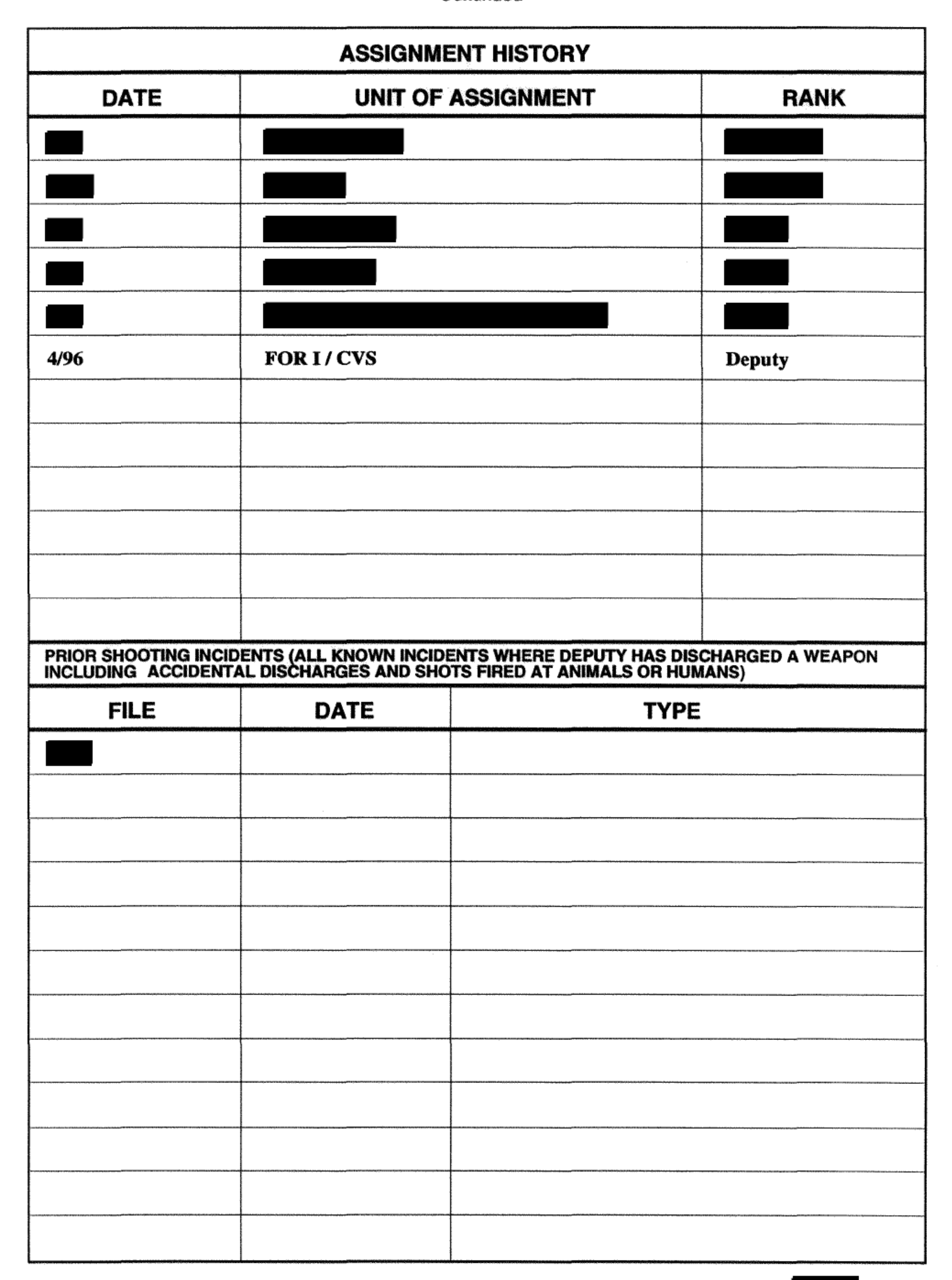
RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	1	0

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]



ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
4/96	FOR I / CVS	Deputy

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

DEPUTY INVOLVED

SHOOTER

EMPLOYEE'S NAME
James Bush

RANK	EMPLOYEE NO.	UNIT AND DIVISION / REGION OF ASSIGNMENT
Deputy Generalist	[redacted]	CVS / FOR I

SEX	RACE	HEIGHT	WEIGHT	DATE OF BIRTH	AGE
M	Black	510	200	[redacted]	[redacted]

DUTY STATUS	HIRE DATE
Regular	04-28-89

UNIFORM	RAID JACKET	PLAIN CLOTHES	VEST
Yes	No	No	Yes

INJURED	DECEASED	CORONER'S CASE NO.
No	No	N/A

DESCRIPTION OF INJURIES
N/A

WAS THE DEPUTY IMMEDIATELY REMOVED FROM THE SCENE? YES [X] NO [ ]

WAS THE DEPUTY SEQUESTERED PRIOR TO THE INTERVIEW? YES [X] NO [ ]

WHERE? Station

SUPERVISED BY: Watch Sergeant

WEAPON USED

TYPE	AUTHORIZED
Beretta 92F	Yes

AMMUNITION TYPE	AUTHORIZED
9 mm	Yes

RANGE QUALIFICATION (LAST DATE)	NO. OF ROUNDS FIRED BY DEPUTY	NO. OF HITS
[redacted]	2	0

DEPUTY'S TOXICOLOGY

UNDER THE INFLUENCE	TEST FOR CAUSE ORDERED	ORDERED BY
No	No	N/A

TRAINING INFORMATION

LASER VILLAGE TRAINING (LAST DATE)	PRACTICAL POLICE COURSE (LAST DATE)
[redacted]	[redacted]

ASSIGNMENT HISTORY

DATE	UNIT OF ASSIGNMENT	RANK
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]
10/95	FOR I / CVS	Deputy

PRIOR SHOOTING INCIDENTS (ALL KNOWN INCIDENTS WHERE DEPUTY HAS DISCHARGED A WEAPON INCLUDING ACCIDENTAL DISCHARGES AND SHOTS FIRED AT ANIMALS OR HUMANS)

FILE	DATE	TYPE
[redacted]		

LOS ANGE S COUNTY - SHERIFF'S DE RTMENT

SUSPECT/SUBJECT

LAST NAME	FIRST NAME	M/I
Lozoya	Ray	A

ADDRESS
[redacted]

SEX:	RACE	HEIGHT	WEIGHT	D.O.B.	AGE	DECEASED
M	Hispanic	600	180	08-13-69	27	No

INJURED	DESCRIPTION OF INJURIES
No	Scratches and abrasions

SUSPECT'S TOXICOLOGY

UNDER THE INFLUENCE
Yes

TYPE OF SUBSTANCE	LAB TEST CONDUCTED
Alcohol	No

ARMED	TYPE OF WEAPON
Yes	Screwdriver

NUMBER OF SHOTS FIRED BY SUSPECT	NUMBER OF HITS
None	None

SUSPECT VEHICLE
Pedestrian

CRIMINAL HISTORY (ATTACH COPY OF RAPS)
See Attached

SUMMARY OF INCIDENT

Deputies attempted to contact Suspect Lozoya. Suspect Lozoya fled from the deputies. Foot pursuit ensued which went about.8 of a mile. Deputy Bush located the suspect and chased the suspect into La Crescenta High School. Suspect ran toward a locked gate and was ordered by Deputy Bush to stop. Suspect climbed the fence and reached for his waist band. Deputy fearing that the suspect was attempting to arm himself, fired one round in self defense. Suspect stopped momentarily and repeated his actions. Deputy again repeated his action and fired another round. Suspect finally jumped the fence and is pursued by Deputy Forney. Deputy Forney encountered the suspect and ordered him to a prone position. Suspect complied and suddenly begins reaching for his waistband. Deputy, fearing that the suspect was reaching for a weapon, fired one round. Suspect is subsequently handcuffed by Deputy Bush. All three shots missed the suspect. Suspect continues to struggle after the arrest and is sprayed once by Deputy Bush.

COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT
INCIDENT DATA

WHAT INITIATED INCIDENT

Call	[ ]	Observation	[X]	Search Warrant	[ ]	Arrest Warrant	[ ]

LOCATION OF OCCURRENCE

La Crescenta High School
4400 blk of Ramsdell Avenue
La Crescenta, CA 91214

TYPE OF LOCATION

Residence	[ ]	Business	[ ]	Industrial	[ ]	Parking Lot	[ ]
Street	[ ]	Backyard	[ ]	Freeway	[ ]	Rural	[ ]
Other	[X]	School					

SHOOTING CONDITIONS

DATE	TIME	DAY
10-02-96	0120 Hours	Wednesday

LIGHTING

First shooting scene - flashlight illumination
Second shooting scene - none, dark

Both scenes were in the high school.

WEATHER

Cool

DISTANCE

Scene One - about 30 - 40 ft.
Scene Two - about 6-8 ft.

CONTRIBUTING FACTORS

Uncooperative suspect attempting to elude capture by fleeing on foot. Extremely long foot pursuit. Furtive movements by the suspect. Suspect is possible candidate for third strike.

LOS ANGE[illegible]S COUNTY - SHERIFF'S DE[illegible]RTMENT

CLASSIFICATION

ACCIDENTAL:	No
GUN TAKE-AWAY:	No
PERSON(S) ARMED:	Yes, screwdriver
PERSON(S) UNARMED:	N/A
STARTLE:	No
UNINTENTIONAL:	No
DEPUTY IN UNIFORM:	[X] RAID JACKET: [ ] PLAIN CLOTHES: [ ]
VEST WORN:	Yes
FOOT PURSUIT:	Yes
VEHICLE PURSUIT:	No
MOVING VEHICLE:	No
VEHICLE STOP:	No
TYPE OF HOLSTER:	County issue
GUN IN HOLSTER:	No
STRUGGLE INVOLVED:	No

ADDITIONAL FACTS AND INFORMATION:

Foot pursuit went for about a .8 of a mile. Suspect was making a definite effort to elude capture thereby hieghtening the deputies instincts about the suspect. Suspect made some definite body gestures that led the deputies to believe that he was trying to arm himself. Screwdriver was later found in front pant pocket.

LOS ANGELES COUNTY - SHERIFF'S DEPARTMENT

CASE COMPLETION CHECK LIST

RECORDED RADIO MESSAGES	Yes
MDT MESSAGES	No
STATION LOG PRINT OUT	No
CAR LOGS	No
PHONE CALL RECORDINGS PERTAINING TO CASE	Yes
PRINTS FROM SCENE	No
GSR TEST	No
BLOOD SPATTER EXAM AND ANALYSIS	No
ALL REPORTS AND DOCUMENTS FROM STATION / UNIT	Yes
STATION / UNIT TRAINING RECORDS	Yes
ACADEMY TRAINING RECORDS	No
TRAINING RECORDS FOR EQUIPMENT USED	Yes
SUSPECT PERSONAL HISTORY INFORMATION	Yes

INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY

Wednesday, October 2, 1996, Sergeants Henry Romero and John Nemeth of the Internal Affairs Bureau (IAB), responded to 4400 Ramsdell Avenue, La Crescenta, to investigate a non-hit officer involved shooting. Sergeant Brian Lee, the Crescenta Valley Field Sergeant, was at the scene and he briefed the incident to the I.A.B. investigators.

The summary of this incident is based on reports and memoranda contained in this shooting review packet. The additional facts of this case were gathered through deputy, suspect and informant interviews.

Wednesday, October 2, 1996, at approximately 0120 hours, Crescenta Valley Unit 78/PM's (a.k.a. the Mountain Car), Deputies **James Bush** and **Randall Forney**, were ending their watch by doing patrol checks of businesses that were still open, before heading back to the station. After completing a check of a 24-hour Ralph's Market, at Foothill Boulevard and Raymond Street, they drove north on Raymond Street and then west on Fairmont Avenue. Fairmont Avenue is a dark residential street. The City of La Crescenta is a very quiet city after dark with very little pedestrian traffic.

While on Fairmont Avenue they saw Suspect **Ray Anthony Lozoya** walking very quickly, west, on the south sidewalk of Fairmont Avenue. Suspect **Lozoya** was dressed in dark clothing and he was carrying a small canvas handbag similar to a laptop computer carrying case. Deputy **Forney**, the senior man in the car, was the first to see the suspect. Based on his training and experience in burglaries, coupled with the time of day and the suspect's dark clothing, he told Deputy **Bush**, who was driving, to stop the car so they could contact Suspect **Lozoya**. As they drove up behind him, they illuminated him with their vehicle's spotlights. Deputy **Bush** used the vehicle's P.A. and asked Suspect **Lozoya** to stop so they could speak to him. Suspect **Lozoya** turned, looked at the marked patrol vehicle and continued walking. Deputy **Bush** immediately noticed that the suspect was sweating profusely although it was a cool evening. Deputy **Bush** continued following the suspect and again, using the P.A., advised the suspect that they were deputy sheriffs and wished to speak to him. The suspect again looked at them and suddenly turned back around and began running west on Fairmont Avenue.

Deputy **Bush** followed, in the radio car, and drove behind the suspect as he ran south onto La Crescenta Avenue. Suspect **Lozoya** ran in a southwesterly direction as he crossed from the east sidewalk to the west sidewalk of La Crescenta Avenue. About mid-block, Suspect **Lozoya** ran west up into the driveway of a house. Deputy **Bush** stopped the radio car in front of the driveway and both deputies began exiting. Suddenly the suspect, changed his direction of travel and doubled back. He came running down the driveway. As he ran past Deputy **Forney**, Suspect **Lozoya** threw the hand bag he was carrying, at Deputy **Forney**. It struck Deputy **Forney** in his midsection, causing him to lose his balance and fall onto the asphalt surface. As he fell, he twisted his right knee and right hip. As he laid there momentarily, he saw Deputy **Bush** run past him in foot pursuit of Suspect **Lozoya**. Deputy **Forney** got back up and hobbled after his partner and the

suspect. Deputy **Forney** put out an emergent request for assistance but he did not receive an acknowledgment from S.C.C.

I.A.B. Note: The bag and its contents weighed 5½ lbs.

Deputy **Bush**, thinking his partner was right behind him, chased the suspect, intending to capture him. He chased him back north on La Crescenta Avenue and then west on Fairmont Avenue. As the suspect approached the next street, Glenwood Avenue, he ran south through the yard of the southeast corner house. Deputy **Bush** turned the corner going south on Glenwood Avenue when he saw the suspect climbing the west fence of the same corner house. Suspect **Lozoya** appeared stuck so Deputy **Bush** turned around to look for his partner so both could approach the suspect and apprehend him. That is when Deputy **Bush** noticed he was alone. At gunpoint, he ordered the suspect not to move in hope that verbal commands would suffice and to give his partner time to catch up. It was also at this point that he advised S.C.C. that he was in foot pursuit.

I.A.B. Note: The tape of the incident revealed the actual route as W/B Fairmont Avenue, S/B Dyer Street to W/B Sanborn Avenue. The remainder of the foot pursuit remained consistant with the deputies recollection of events. The fence the suspect jumped is probably located at the corner of Sanborn and Glenwood.

Suspect **Lozoya** freed himself from the fence, jumped over it and continued running south on Glenwood Avenue. At this point, Deputy **Bush** decided to change his tactic from apprehension to one of visual and containment. He continued following the suspect south on Glenwood Avenue past Sanborn Avenue, past Foothill Boulevard, and finally west on Mary Street. When Deputy **Bush** turned onto Mary Street, the suspect was nowhere in sight. As he was running, he kept updating his location to S.C.C.

As Deputy **Forney** hobbled west on Fairmont Avenue, he again attempted to advise S.C.C. of the situation. When he received no acknowledgment, he turned up his radio's volume and heard the hissing sound characteristic of a dead radio battery. He decided to continue following his partner's route in hopes of catching up to him and the suspect. As he turned south on Glenwood Avenue, he noticed that his partner was about a block ahead of him. He continued running until he arrived at the corner of Foothill Boulevard and Glenwood Avenue. At this point he decided to look for a public phone booth to dial 911 and advise the desk of the situation. He felt that the station was probably still unaware of him and his partner's situation since he could not hear the familiar sounds of sirens responding. He ran east on Foothill Boulevard, found a public phone and made the call. Desk personnel advised him that his partner, Deputy **Bush**, had advised them of the situation over his radio. They additionally told him that his partner was on Mary Street, just west of Glenwood Avenue. Deputy **Forney** went back for their vehicle that was still parked on La Crescenta Avenue, between Fairmont Street and Sanborn Avenue. He drove to Mary Street where he found his partner.

I.A.B. Note: A citizen at the corner of Glenwood and Sanborn, heard a commotion outside his house. He looked outside and saw the suspect on his fence. He also saw that a lone deputy was pursuing the suspect so he dialed 911 to advise the station. ([redacted])

Deputy **Bush** got back into the radio car. They drove slowly west on Mary Street, toward Ramsdell Avenue looking for the suspect. Based on the suspect's southerly direction of travel, they decided to go around the block. They drove south on Ramsdell Avenue and east on Community Avenue. They continued advising their assisting units of their position and the suspect's description. At this point, 71S/EM's, Sergeant **Brian Lee** asked them to set up a containment to enhance their chances of capturing the suspect. They stopped about a third of the block east of Ramsdell Avenue, on Community Avenue, right in front of the northwest parking lot of La Crescenta High School. Deputy **Forney**, who was more familiar with the area began coordinating responding units.

I.A.B. Note: A Sheriff's Air Unit acknowledged the foot pursuit and began responding to the area. Due to the heavy fog, they updated the C.V.S. units and advised that they were unable to respond.

As Deputy **Forney** began coordinating his responding units, Deputy **Bush** decided to look in the bushes that were along the south side of the school's parking lot against the schools most northwest building. He checked the buildings north side and then continued south checking its west side. He was now on Ramsdell Avenue walking south along the west side of the building. When he arrived at the buildings southwest corner, Deputy **Bush** looked against the west wall of the next building south of his location. He noticed the suspect walking in the ivy along the west wall of the building. It appeared that the suspect was attempting to conceal himself in the building's shadow. Deputy **Bush** immediately whispered his location and the suspect's location on the radio to advise his partner and other assisting units to respond to his location. Suddenly the suspect began running again.

Suspect **Lozoya** ran about twenty feet through the ivy and jumped down onto the east/west sidewalk that extends from Ramsdell Avenue into the school. He ran east into the school through the open gate. He continued running east along a sixty-seven yard ramp that went up into the school quad. When he got to the top of the ramp, he turned south and continued running down a flight of stairs. At the bottom of the stairs he ran in a southeasterly direction toward a ramp that led down to a closed gate approximately thirty three yards away. When he got to the gate, he attempted to climb over it.

Deputy **Bush**, after advising his position, again began pursuing the suspect on foot. He followed the suspect's route. He was now at the top of the ramp that led down to the gate that the suspect was attempting to scale. He walked about a third of the way down the ramp, illuminated the suspect, identified himself and ordered the suspect not to move. Deputy **Bush** saw the suspect's right hand let go of the fence and reach into his front waistband. Fearing that the suspect was attempting to arm himself, he ordered the suspect

to place his hands up. Suddenly, the suspect turned his right shoulder toward him. Deputy **Bush,** fearing that the suspect had just armed himself and was attempting to locate a target, mainly himself, turned off his flashlight and fired one round at the suspect to stop the threat.

> **I.A.B. Note:** Deputy Bush was out in the open with no place to provide cover. He had a wall to his left and bushes to his right. In addition, the back light made him a good silhouette.

Deputy **Bush** watched the suspect and assessed his situation. The suspect stopped moving for a few seconds. Suddenly the suspect's right hand again continued probing the suspect's front waistband. Deputy **Bush** assessed, by the suspect's actions, that his round missed the suspect. Again he de-escalated to verbal commands as he moved a few steps closer to the suspect. Suddenly the suspect again began turning toward him. Again Deputy **Bush** feared that the suspect had armed himself and was attempting to locate his position, so he fired another single round at the suspect to stop the oncoming life threatening suspect action. This time the suspect appeared to go limp but he continued holding on to the top of the fence with his left hand.

> **I.A.B. Note:** In a subsequent interview with Detective Steven Crider, the suspect said that his belt buckle had become stuck on the chain link fence and he was attempting to free himself when the deputy shot at him.

By the suspect's actions, Deputy **Bush** thought that his round had struck Suspect **Lozoya**. He began advancing toward the suspect and ordered him not to move. As Deputy **Bush** approached, Suspect **Lozoya**, with a sudden burst of energy clamored over the fence and began running east along the pathway that was directly south of the fence.

When Deputy **Forney** heard his partner on the radio relaying information that he had found the suspect, he drove west on Community Street and then south on Ramsdell Avenue. He heard his partner relaying information over the radio that he was running east through the school and then south through the school. Deputy **Forney** continued driving south on Ramsdell Avenue. As he approached Evelyn Street, which is the street directly in front of the east/west path that extends from Ramsdell Avenue into the school, he heard a single shot. He immediately advised his assisting units that he heard shooting. He continued driving south on Ramsdell Avenue hoping to find another open gate that would let him into the south side of the school when he heard the second shot. He found that gate at Altura Avenue and Ramsdell Avenue. He parked his radio car there and ran into the school in search of his partner. As he ran north, up a flight of stairs, he heard his partner call out his name. As he neared his partner, he noticed that his partner was on the north side of a locked gate. Deputy **Bush** advised him that the suspect had just climbed over the fence and was running east along the path on which Deputy **Forney** was standing. Deputy **Bush** additionally told Deputy **Forney** that he thought the suspect was armed with a handgun.

Deputy **Forney** looked east and saw Suspect **Lozoya** at the end of this path rounding the corner going north. He carefully made his way down the dark path which was about forty-three yards long. When he got to the end of the path, Deputy **Forney** tactically looked around the corner and spotted the suspect leaning against another building. They were about eight to ten feet apart. The suspect's left arm was against the building, his head against the arm. The suspect's right arm was in his midsection and he was breathing heavily. He immediately ordered the suspect to a prone position. The suspect looked at him and complied. He laid down, hands extended in front of him pointing east. While Deputy **Forney** waited for additional deputies to arrive, he continued giving the suspect commands not to move. Suddenly, the suspect moved his right hand under his body toward the front of his waistband. Based on his partner's warning and having already heard two shots, he formed the opinion that the suspect was attempting to arm himself. He screamed at the suspect not to move but the suspect continued probing his waistband. Fearing that the suspect was attempting to arm himself, he fired one round at the threat, the suspect's right arm. The suspect immediately placed both hands in front of him.

Deputies **Bush** and **Trendel Coley** arrived a few seconds later. Deputy **Bush** began handcuffing the suspect. He quickly handcuffed one hand. As he reached for the suspect's second hand, the suspect began resisting. He began screaming, "Kill me. Why don't you fucking just kill me?" Deputy **Bush** forced the second arm behind the suspect's back and handcuffed him. Deputies **Bush** and **Forney** assisted the suspect to his feet. They conducted a quick visual search of the suspect to look for possible gunshot injuries. When they found none, Deputy **Bush** conducted a quick cursory search of the suspect's waistband area. Finding nothing, they escorted him back to their car. As they walked Suspect **Lozoya** over to their car that was still parked at Altura Avenue and Ramsdell Avenue, Suspect **Lozoya** began screaming at the top of his lungs. Neither deputy could understand what the suspect was saying as he screamed. As he screamed, he kept trying to break free from the grip of both deputies by twisting his upper body quickly and forcefully.

When they arrived at the radio car, they placed Suspect **Lozoya** against the front hood of their car, which happens to be a 4X4 vehicle, to get some additional leverage since the suspect continued attempting to break free from their holds. Suspect **Lozoya** was becoming more violent in his twisting that Deputies **Bush** and **Coley** had to place their body weight against him to hold him against the radio car. Deputy **Bush** decided to overcome the suspect's active resistance by spraying him with O.C. spray. He sprayed the suspect directly in the face for about two to three seconds. Suspect **Lozoya** ceased his screaming and resistance and began complaining of a burning sensation in his eyes. Deputies **Bush** and **Coley** then escorted Suspect **Lozoya** to another standard radio car with a full cage. As they walked him over to the other car, Suspect **Lozoya** suddenly went limp. This action by the suspect almost caused the three of them to fall down. They picked him back up and placed him into the backseat without further incident.

Paramedics responded and OK'D the suspect for radio car transport to Verdugo Hospital for O.C. decontamination. Deputy **Forney** was also transported to the same hospital

where they treated him for a sprained right knee and sprained right hip. Also, while at the hospital, Deputy **Henstrand**, who had transported the suspect to the hospital, found an eight and one-half inch screwdriver secreted in the suspect's front right pant pocket.

> **I.A.B. Note:** On October 10, 1996, Deputy **Forney** was diagnosed with torn ligaments in his knee that resulted from the assault.

Suspect **Lozoya** said that the reason he ran was because he was scared of the police. He said that one of the deputies jumped out of the radio car, pointed a gun at him and told him not to move. He added that Glendale Police Officers have been harassing him and he thought the deputies were Glendale Police Officers.

> **I.A.B. Note:** I.A.B. Investigators asked him if he knew the difference between deputies and police officers. He said he did but he never got a chance to see the uniform since the officers never got out of there car.

Suspect **Lozoya** also said that he has three previous arrests that resulted in state prison confinement. Two were grand theft auto and one burglary. He added that two of those convictions, although they were separate, were served concurrently. Additionally, he said that although he was not doing anything, he believes that any contact with the police could result in a third strike conviction. This weighed heavily on his mind and it is one of the reasons he said he took side streets to avoid police contact. Once the deputies contacted him, his only plan was to evade capture and get home to safety.

> **I.A.B. Note:** The incident ended at Altura Ave and Ramsdell Avenue, approximately [redacted] of the suspect's home on [redacted] The foot pursuit was approximately eight tenths of a mile without taking into account any backtracking, the run through the school, the running through the different house yards and the scaling of fences.

Suspect **Lozoya** said that the bag he was carrying was brought to him by a friend. The friend dropped it off to him while he was at Ralph's buying cigarettes. It contained tools for doing body work on cars. When he ran from the deputies, he held on to the bag. When he reversed his direction of travel and began running uphill, he said he dropped it.

> **I.A.B. Note:** I.A.B. Investigators spoke to his [redacted] who said that Suspect **Lozoya** left the house with the bag. She remembers this because the bag is hers. She claimed that when he left the house at about midnight, he was going to a friends house to do body work on his friend's car.

Suspect **Lozoya** said that he remembers getting shot at three times. Once, as he ran into the school. The second time, as he tried to scale the fence inside the school. The third

time, after he scaled the fence and began running east on the path. He believes that the same officer shot at him all three times. He said that while he was on the fence he felt the bullet fly past him. Additionally, the last round that was fired at him, while he was running east on the path, struck the wall and sent plaster debris into his face. He suffered no injuries as a result of being shot at.

Suspect **Lozoya** said that after he was arrested, he was dragged around a bit. He was then pushed around by the arresting deputies. Also, he claimed that the deputies bounced his head off the hood of the radio car for no reason, causing him to bleed from his mouth. He denies resisting the deputies efforts to control him and claims he was sprayed at least three times for no reason at all.

Investigators noticed the following marks on Suspect **Lozoya**: slight mark over right eye, abrasion under right eye and scratch over left eye. There was no dry blood on his lips or around his mouth and his lips were not swollen or cracked.

Investigators checked both of the deputies weapons. Prior to checking them, both were asked how they normally configured there weapons. Both said fifteen plus one. Deputy **Forney's** weapon had fifteen rounds left. Deputy **Bush** had thirteen. Deputy **Bush** said that he is sure that he only fired twice; therefore, he must have loaded his weapon with only fifteen rounds.

Investigators found the expended cartridge from Deputy **Forney's** weapon. It was approximately ten feet south of where the suspect was laying. Additionally, the projectile was embedded in the buildings wood siding about eighteen inches off the ground. It was not recovered. Deputy **Bush's** expended cartridges were not located. It is believed that they fell into the dense bushes.

Investigators learned that on November 19, 1996, Suspect Lozoya was held to answer, at his preliminary hearing, on the charge of Asaulting a Peace Officer causing Great Bodily Injury.